

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

August 5, 2002
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Degginger, Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: Mayor Marshall

1. Call to Order

The meeting was called to order at 8:04 p.m. by Deputy Mayor Degginger, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mayor Marshall were present. Mr. Noble led the flag salute.

(a) Introduction of Hualien Exchange Students

Judy Louisell, Sister Cities Program Administrator, introduced Kim Gwo, newly appointed Chair of the Bellevue Sister Cities Association (BSCA) Hualien Committee. Mr. Gwo introduced two students participating in this year's exchange program with Hualien: Jessica Motais de Narbonne, a senior at Newport High School who returned from Hualien on July 30, and Hsu "Mindy" Min-Chen, a student from Taipei Medical University now visiting in Bellevue. Mindy presented a gift to the City and Deputy Mayor Degginger gave the students Bellevue pins.

(b) Report on 2002 24-Hour Relay Challenge Results

Helena Stephens, Teen Services Manager, introduced this year's 24-Hour Relay Challenge relay directors: adults Rob Ott, Jan Still, and Ken Wong and youths Samantha Cassady, Angie Huang, and Robert Whittlesey. Mr. Wong reported that more than 80 organizations participated in this year's event. He showed a brief video of the June 22 and 23 activities. Mr. Whittlesey distributed plaques to key sponsors.

3. Communications: Written and Oral

- (a) John Albertson outlined concerns about the proposal contained in Agenda Item 11(c) and offered to co-chair a citizen technical committee to research the issue.
- (b) Doreen Marchione, Executive Director of Hopelink and Co-Chair of the Eastside Housing Association, encouraged Council to support Resolution No. 6740 [Agenda Item 11(d)(1)].
- (c) Ben McBride, Board Member of DASH (Downtown Action to Save Housing), encouraged Council to support Resolution No. 6741 [Agenda Item 11(d)(2)].
- (d) Kathy Salter, property manager of Lake Bellevue Shopping Center, encouraged Council to support Option 1 for the general commercial rezone Comprehensive Plan amendment [Agenda Item 11(a)] to include miscellaneous retail uses, apparel and accessories in general commercial zoning.
- (e) Stacy Anderson, a Surrey Downs resident, expressed concern about a transition zone concept discussed at a recent meeting of the Downtown Implementation Plan Citizen Advisory Committee.
- (f) Scott Leonard expressed concern about Agenda Item 11(c), Resolution No. 6739 declaring an emergency to remove barriers to wireless communication deployment.
- (g) Renay Bennett discussed concerns about access to staff meetings for an Eastside transportation concurrency study.
- (h) Robert Thorpe, RW Thorpe and Associates, discussed his letter to Council in July and expressed support for Ordinance No. 5394 [Agenda Item 11(b)(4)].
- (i) Representatives of Crisis Clinic, a countywide information and referral system, described the implementation of a new community resource phone service to be available by dialing 211. They requested Council's support of the Crisis Clinic as the 211 provider in King County as well as funding support to help launch the service.
- (j) Jennifer Ullman thanked Councilmembers for visiting the Albright property, encouraged approval of Agenda Item 11(b)(3), and showed a brief video of the site.
- (k) Eric Campbell, CamWest Development, displayed and discussed an aerial photo of a single family-medium planned unit development (PUD) to give Council and the public an idea of how the Albright Property could be developed.
- (l) Marsha Martin, Foster Pepper & Shefelman, spoke on behalf of CamWest Development in support of the Albright Comprehensive Plan amendment.
- (m) Scott Evans, Evans Plaza, expressed support for Option 1 regarding the general commercial (GC) Comprehensive Plan amendment [Agenda Item 11(a)] to allow miscellaneous retail uses and apparel/accessories sales in GC districts.

- (n) Todd Woosley, Hal Woosley Properties, Inc., presented a letter and asked Council to support adding certain types of businesses (Apparel and Accessories, and Miscellaneous Retail Trade) as allowed in general commercial zones.
- (o) Bill Serr expressed concern about the lack of pedestrian access along Richards Road and questioned Agenda Item 8(p) related to change orders on the project.

4. Reports of Community Councils, Boards and Commissions

Michelle Kline, Chair of the Human Services Commission, provided an update on the Commission's 2002 activities. Funding recommendations will be presented to Council in November.

5. Report of the City Manager

City Manager Steve Sarkozy addressed Renay Bennett's concerns about access to staff meetings related to the state-funded Eastside Concurrency Study. He explained that the Open Meetings Act does not apply to staff meetings. Public involvement activities will ultimately be conducted through the Transportation Commission and the City Council before any action would be taken to change existing policy.

Mr. Sarkozy responded to John Albertson's comments on July 15 in which he indicated that the City had impeded his access to substantive records about the City's Downtown Implementation Plan process. Mr. Sarkozy said staff members have assured him that Mr. Albertson has not been denied access to public records. Mr. Albertson has filed 15 public disclosure requests in the past four months. As of July 19, staff has responded fully to all of his requests. None of his requests have been denied. Approximately 6,000 pages of documentation have been provided including all notes provided by Citizen Advisory Committee members and staff. The City will continue to disclose information to Mr. Albertson if requested.

6. Council Business

Mr. Creighton reported that Council met with Seattle City Councilmembers last week for lunch and to tour the Eastside. He attended a Downtown Implementation Plan CAC meeting last Thursday evening, which was scheduled to be responsive to complaints about previous daytime meetings. He noted that public attendance did not appear to be affected by the change in time.

Mr. Mosher noted that as Chair of the Washington State Citizens Committee on Pipeline Safety, the Office of Pipeline Safety flew him to Houston to participate in a meeting with the American Petroleum Institute. The purpose was a discussion of how to develop a public involvement and public information process for the pipeline industry. As President of the Association of Washington Cities (AWC), Mr. Mosher participated in a meeting to discuss changes in local government annexation approaches.

Mr. Lee and Mr. Degginger attended a Bellevue Economic Partnership (BEP) Steering Committee meeting.

Deputy Mayor Degginger attended meetings of the Growth Management Planning Council (GMPC) and Cascade Water Alliance (CWA).

7. Approval of the Agenda

- ➡ Mr. Mosher moved to approve the agenda, and Mr. Noble seconded the motion.
- ➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Mr. Degginger noted a request to pull item 8(p) for comment.

- ➡ Mr. Lee moved to approve the Consent Calendar, as amended, and Mr. Mosher seconded the motion.
- ➡ The motion to approve the amended Consent Calendar carried by a vote of 6-0, and the following items were approved:
 - (a) Minutes of June 24, 2002 Extended Study Session
Minutes of June 25, 2002 Special Meeting
Minutes of July 1, 2002 Study Session
Minutes of July 1, 2002 Regular Session
Minutes of July 8, 2002 Extended Study Session
Minutes of July 23, 2002 Budget Retreat
 - (b) Motion to approve payment of claims for the period ending July 25, 2002, and payroll for the period July 1 through July 15, 2002.
 - (c) Resolution No. 6727 authorizing execution of a professional services agreement with Postal Express to provide mail room services through December 2003 in an amount not to exceed \$69,006.
 - (d) Resolution No. 6728 authorizing execution of an Amendment to the International City Managers Association – Retirement Corporation (ICMA-RC) Deferred Compensation Plan to comply with the Job Creation and Worker Assistance Act of 2002.
 - (e) Resolution No. 6729 authorizing acceptance of the 2002 Emergency Services Advanced Life Support (ALS) and Basic Life Support (BLS) services contract amendments with King County and receipt of \$4,696,017 in revenues to the General Fund.
 - (f) Resolution No. 6730 authorizing execution of an amendment to the professional services contract with Preston, Gates and Ellis, LLP, for a total amount not to

exceed \$100,000 for legal services for completion of condemnation of properties along Factoria Boulevard.

- (g) Resolution No. 6731 authorizing execution of a professional services agreement with Financial Consulting Solutions Group, Inc., for analysis and recommendations relating to development services, billing rates, reserve policies fund structure, and cost recovery objectives, in an amount not to exceed \$92,000.
- (h) Resolution No. 6732 authorizing execution of an amendment to the contract with the Bellevue School District for continuation of the School Resource Officer Program in the amount of \$87,000 and permitting automatic annual renewal.
- (i) Motion to award Bid No. 0221 for the resurfacing of 116th Avenue NE between NE 8th and NE 12th Streets and the rehabilitation of curbs, gutters, and sidewalks in the amount of \$344,979.65 to Watson Asphalt Paving Co. Inc. as low bidder. (CIP Plan No. PW-M-1)
- (j) Motion to reject all bids for Bid No. 0238 for the SE 28th Street Extension and Bellevue Community College (BCC) Parking Lot #7 modifications, and to rebid at a later date. (CIP Plan No. PW-R-144)
(Offshoot of CIP Plan No. PW-R-117, 148th Avenue SE Roadway Improvements. Discussed with Council at the July 15, 2002 Regular Session.)
- (k) Resolution No. 6733 authorizing execution of a construction and maintenance agreement with Burlington Northern Santa Fe (BNSF) to widen and improve SE 5th Street crossing in the *Wilburton Hill neighborhood* in the amount of \$150,857. (CIP Plan No. PW-I-85)
- (l) Resolution No. 6734 authorizing execution of a facilities relocation agreement with Puget Sound Energy (PSE) to modify, remove, and relocate existing electrical facilities along Factoria Boulevard as required to complete a roadway improvement project in an amount not to exceed \$181,000. (CIP Plan No. PW-R-116)
- (m) Resolution No. 6735 authorizing execution of an Agreement with King County Department of Transportation for their provision of Commute Trip Reduction (CTR) implementation services in the amount of \$93,922.
- (n) Resolution No. 6736 authorizing execution of a consultant agreement with Northwest Research Group to conduct the 2002 Mode Split Study in the amount of \$54,968. (CIP Plan No. PW-R-44)
- (o) Ordinance No. 5387 authorizing and providing for the acquisition of interests in land for the purpose of improvements to NE 29th Place Connection; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of

appropriate proceedings in the manner provided by law for said condemnation.
(CIP Plan No. PW-R-60)

- (q) Motion to award Bid No. 0229 for the replacement of old and substandard commercial water meters in three neighborhoods and at the Glendale Golf Course in the amount of \$187,123.20 to Bonner Brothers Construction, Inc., as low bidder. (CIP Plan No. W-67)
- (r) Motion to award Bid No. 0230 for the replacement of deteriorated water pipes at NE 20th Street and 94th Avenue NE in the Clyde Hill service area in the amount of \$175,749.44 to Bonner Brothers Construction, Inc., as low bidder. (CIP Plan No. W-16)
- (s) Motion to award Bid No. 0231 for pavement restoration at 138th Avenue SE, 139th Avenue SE, and SE 42nd Street following installation of new water and sewer mains in the amount of \$43,428.50 to Lakeside Industries as low bidder. (CIP Plan Nos. W-16 and S-30)
- (t) Resolution No. 6737 authorizing execution of a consultant services agreement for emergency services with MWH Americas, Inc. for Meydenbauer Reservoir replacement in the amount of \$410,000. (CIP Plan No. W-85)
- (u) Resolution No. 6738 authorizing execution of a consultant services agreement with Berryman & Henigar, Inc. for engineering services for the Petroleum Treatment Facilities project (intended to reduce petroleum pollutants in open streams and improve surface water quality and stream habitat) in an amount not to exceed \$77,000. (CIP Plan No. D-79)
- (v) Ordinance No. 5389 authorizing an agreement with the U.S. Environmental Protection Agency to accept and administer water security grant funds in the amount of \$115,000 to conduct vulnerability assessment, training, and planning; establishing a project within the Operating Grants and Donations Fund; amending the budget for the Operating Grants and Donations Fund by appropriating additional revenues to that fund; authorizing expenditures of said grant funds; and authorizing interfund loans.

Item for Council discussion:

- (p) Richards Road – SE 26th Street to Lake Hills Connector
 - (1) Ordinance No. 5388 authorizing an amendment to the 2001-2007 Capital Investment Program (CIP) Plan, appropriating \$300,000 received from unanticipated land sale proceeds. (CIP Plan No. PW-R-79)

Dr. Davidson addressed residents' concerns about the Richards Road project. He acknowledged that this has been a two-phase project so it appears to citizens to be taking a long time.

- ➡ Dr. Davidson moved to adopt Ordinance No. 5388, and Mr. Mosher seconded the motion.

Transportation Director Goran Sparrman provided an update on the project. He explained that portions of right-of-way acquired for this project will be sold to the Parks Department for park use. City staff have been involved in extensive discussions with the project contractor to get the project back on schedule. Mr. Sparrman said applications for permits to be issued by state and federal governments have resulted in delays.

Responding to Mr. Lee, Mr. Sparrman said staff assumed the Parks Department would acquire remnants of the right-of-way at the time it was acquired for the Richards Road project.

- ➡ The motion to adopt Ordinance No. 5388 carried by a vote of 6-0.

- (2) Motion to authorize the City Manager to approve change orders 6 through 8 for Tydico, Inc. (Bid No. 0111, CIP Plan No. PW-R-79, Richards Road – SE 26th to Lake Hills Connector) increasing the contract amount to reflect an increase in construction scope and costs, revising the contract payment provisions, and providing for a contract time extension, resulting from the Army Corps of Engineers permit requirements.

- ➡ Dr. Davidson moved to authorize the City Manager to approve change orders 6 through 8 for Tydico, Inc., to increase the contract amount, to approve a change in working days due to project delays, and to revise change orders 6, 7, and 8 to include the following conditions:

- Revises the contract pay provisions to require Tydico to provide conditional, partial, and final lien releases for all subcontractors and suppliers for all future payments on the Richards Road project.
- Resolves any and all claims through July 31, 2002, whether known or unknown, against the City except those expressly reserved in said Change Orders; requires Tydico to indemnify the City against any liens and pass-through claims from Tydico's subcontractors and suppliers and related claims from the Department of Labor and Industries and the Department of Revenue.
- Obtains Tydico's surety's written consent to these conditions.

Mr. Noble seconded the motion.

Mr. Noble noted that the same contractor has been working on the project at 140th Avenue and NE 20th Street, which has also experienced delays. Mr. Sparrman said the 140th Avenue project is nearing completion and the road will reopen in about a week.

Mr. Mosher noted that revised motion language was provided in Council's desk packet and differs somewhat from the language originally published in the meeting packet. Mr. Lee is pleased that the amendments are focused on ensuring the timely completion of the project.

Responding to Deputy Mayor Degginger, Mr. Sparrman noted that no temporary walkway has been provided along Richards Road because no permanent walkway existed before construction started. The final project will provide a sidewalk.

- ➡ The motion to approve change orders 6 through 8 (Bid No. 0111, Richards Road Project) for Tydico, Inc., increase the contract amount, approve a change in working days due to project delays, and revise change orders 6, 7, and 8 with conditions as outlined in the motion language carried by a vote of 6-0.

9. Public Hearings

- (a) Public Hearing to receive citizen comments on the annexation of the 5.67-acre Cole site
(On June 17, 2002, by Resolution No. 6714, Council declared resolve to annex.)

Ordinance No. 5390 authorizing the annexation of a 5.67-acre site at 6114 164th Avenue SE in the Newcastle subarea, commonly referred to as the Cole annexation, by the unincorporated island method of annexation.

Nicholas Matz, Senior Planner, explained that Ordinance No. 5390 will annex to the City of Bellevue a 5.67-acre site known as the Cole property by the unincorporated island method of annexation. This method is a two-step legislative process. Mr. Matz recalled Council's approval on June 17 of its resolve to annex the property. If the ordinance is adopted, there will be a 45-day waiting period before the ordinance becomes effective.

- ➡ Dr. Davidson moved to open the public hearing, and Mr. Mosher seconded the motion.

City Clerk Myrna Basich noted that no one had signed up to speak during the public hearing.

- ➡ The motion to open the public hearing carried by a vote of 6-0.

No one came forward to comment

- ➡ Mr. Mosher moved to close the public hearing, and Mr. Noble seconded the motion.

- ➡ The motion to close the public hearing carried by a vote of 6-0.

- ➡ Mr. Lee moved to adopt Ordinance No. 5390, and Mr. Mosher seconded the motion.

- ➡ The motion to adopt Ordinance No. 5390 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Motion to direct the Planning Commission to implement the creation of a target redevelopment area in Wilburton GC District and to forward the necessary CPA and Land Use Code changes to the Council.

Planning and Community Development Director Matt Terry and Planning Director Dan Stroh provided a staff report and presented options for Council consideration:

1. Permit a wide range of retail uses (including Miscellaneous Retail Trade and Apparel/Accessories) throughout General Commercial (GC) districts.
2. Create a targeted redevelopment area to encourage redevelopment and significant reinvestment in an older commercial area currently zoned GC within the Wilburton Subarea, to include uses from the GC and CB (community business) zones.
3. Reorganize GC, CB, and LI (light industrial) districts into two new districts, CB and LI. The CB designation would be modified to include some uses now permitted in GC (e.g., wholesaling, auto sales) and the GC zone would be eliminated.

Mr. Terry asked Council to consider whether the GC zone designation continues to have a purpose in Bellevue.

Mr. Creighton questioned the time frame for implementing option 3. Mr. Terry said the issue would be remanded to the Planning Commission for a determination of which GC areas should be rezoned as CB or LI. The Commission's review would likely cover two to three months, resulting in a recommendation to Council. Mr. Terry said this alternative evolved from the realization that adding more retail uses under the GC designation will increasingly blur the distinction between GC and CB zones. Although the GC zone would continue to allow wholesale trade functions, there are very few examples of this type of business in Bellevue.

Dr. Davidson questioned the feasibility of adopting option 1 tonight and also directing the Planning Commission to study option 3. Mr. Stroh said if Council approves option 1 tonight granting a wider spectrum of retail uses in GC areas, it could create a problem for properties ultimately designated as LI under option 3.

Responding to Mr. Lee, Mr. Stroh said the primary purpose of the GC designation was to allow businesses serving other businesses, such as wholesale trade.

In response to Mr. Mosher, Mr. Terry said businesses including large grocery stores and auto dealers have presented redevelopment proposals such as auto parks, which do not currently fit into the GC definition. Mr. Terry said this led staff to suggest to Council a couple of months ago that the City reexamine the entire land use concept for the NE 8th Street corridor (between 116th and 124th Avenues, and Bel-Red Road south to approximately Larry's Market).

Responding to Mr. Noble, Mr. Terry said option 1 would require Council to declare an emergency to enable the adoption of a related Comprehensive Plan Amendment separate from tonight's scheduled annual adoption of CPAs. Staff recommends option 2 with a plan to begin work in January 2003. The Planning Commission would hold at least one public hearing and

develop a recommendation for Council next year. Option 3 would be implemented through essentially the same process as option 2.

Mr. Stroh said another alternative is to adopt the Planning Commission's recommendation to add business-to-business sales in the GC district [Agenda Item 11(b)(5)] as an interim measure, along with option 1, 2 or 3 above.

In response to Mr. Lee, Mr. Terry said option 2 could be pursued along with option 3. Staff feels there is a need to study the NE 8th Street corridor area addressed in option 2. If option 2 is chosen, staff could begin work in January 2003.

- ➡ Mr. Creighton moved to approve Option 1 provided in the Council packet: 1) to consider adding miscellaneous retail and apparel sales to the GC (General Commercial) district designation, and 2) to set a date for the public hearing on this subject. Mr. Noble seconded the motion.

Mr. Creighton is interested in holding a public hearing about this potential approach. He is reluctant to eliminate the GC designation at this time.

Mr. Noble feels it is appropriate to consider allowing miscellaneous retail and apparel sales in GC (General Commercial) districts, particularly in light of the public testimony before Council.

Dr. Davidson expressed support for the motion. He agrees with staff's suggestion to review the GC, CB, and LI designations but sees this as a longer-term effort. Mr. Mosher and Mr. Lee concurred. Mr. Degginger looks forward to the public hearing and hopes to receive feedback about potential unintended consequences of various alternatives.

- ➡ The motion to consider adding miscellaneous retail and apparel sales to the GC (General Commercial) district designation and to set a date for the public hearing on this subject (Option 1 in the Council packet) carried by a vote of 6-0.

(b) Amendments to the Comprehensive Plan
(Additional packet materials contained in the July 22 Extended Study Session packet.)

- (1) Ordinance No. 5391 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting 2002 amendments to the Comprehensive Plan **creating a new land use designation of Office Limited Business – Open Space (OLB-OS)** to allow for a shifting of development potential to concentrate development on part of a site while reserving the remainder of the site as public open space.

Mr. Stroh reviewed the package of Comprehensive Plan amendments presented for Council consideration. He asked Council to vote on each item individually and then to consider the umbrella ordinance at the end of the process.

- ➡ Dr. Davidson moved to adopt Ordinance No. 5391, and Mr. Mosher seconded the motion.
- ➡ The motion to adopt Ordinance No. 5391 carried by a vote of 6-0.

- (2) Ordinance No. 5392 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting 2002 amendments to the Comprehensive Plan **amending Eastgate Subarea Plan Policy S-EG-38, and amending the Eastgate Subarea Plan Map** of the Comprehensive Plan to **change land use designations on certain parcels in the Boeing Eastgate Campus** from Light Industrial (LI) to Office, Limited Business (OLB) on three properties totaling 72 acres, and from LI to Office, Limited Business – Open Space (OLB-OS) on 29 acres.

- ➡ Mr. Mosher moved to adopt Ordinance No. 5392, and Mr. Noble seconded the motion.
- ➡ The motion to adopt Ordinance No. 5392 carried by a vote of 6-0.

- (3) Ordinance No. 5393 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan; **amending the Newcastle Subarea Plan Map** from Single Family-Low (SF-L) to Single Family-Medium (SF-M) on a 8.19-acre site located at 16401, 16417, 16425, and 16517 SE Cougar Mountain Way known as the **Albright property**.

- ➡ Dr. Davidson moved to adopt Ordinance No. 5393, and Mr. Noble seconded the motion.

Mr. Mosher said he will oppose the motion because he does not see any significant change in circumstances from Council's prior consideration of this request. Deputy Mayor Degginger concurred.

Mr. Lee expressed concern about increasing densities around the Albright property. However, he feels this is the best solution for the current situation.

Deputy Mayor Degginger said he does not see any changed circumstances since the 1995 Newcastle Subarea Comprehensive Plan review. Development in the area since 1995 has followed that plan and does not constitute changed circumstances. He is not convinced the proposal would provide truly affordable housing. Mr. Degginger noted increasing pressure on the local elementary school due to rapid growth. He feels the applicant has not met his burden of proof for the proposed CPA.

Dr. Davidson noted the Albright property is adjacent to single family-medium and single family-urban developments. He feels the proposed project would provide more housing opportunities, even if not affordable in the traditional sense of the word. He noted this is a Comprehensive Plan change and not a zoning change. Appropriate zoning will be addressed at a later date.

- ➡ The motion to adopt Ordinance No. 5393 carried by a vote of 4-2, with Deputy Mayor Degginger and Mr. Mosher dissenting.

- (4) Ordinance No. 5394 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan glossary; **amending the definition of Neighborhood Business to allow for a limited amount of administrative office use** in the NB district.

- ➡ Mr. Noble moved to adopt Ordinance No. 5394, and Mr. Creighton seconded the motion.

- ➡ The motion to adopt Ordinance No. 5394 carried by a vote of 6-0.

- (5) Ordinance No. 5395 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan glossary; **amending the definition of General Commercial to allow for additional retail uses** in the GC district.

Responding to Mr. Lee, Mr. Stroh said Ordinance No. 5395 will allow additional retail uses with the goal of filling vacancies throughout the GC district.

- ➡ Mr. Lee moved to adopt Ordinance No. 5395, and Mr. Mosher seconded the motion.

- ➡ At 10:00 p.m., Mr. Mosher moved to extend the meeting to 11:00 p.m., and Dr. Davidson seconded the motion.

- ➡ The motion to extend the meeting carried by a vote of 6-0.

Mr. Mosher questioned the cost to the City of approving this interim step, which could be followed later by broader changes to the GC and other zoning designations. Mr. Stroh said staff will need to prepare an amendment to the Land Use Code to put this action into effect.

In response to Dr. Davidson, Mr. Stroh said the LUC amendment will be handled as a text amendment before the Planning Commission. Responding to Mr. Noble, Mr. Stroh said Council will be able to declare an emergency after the public hearing on Option 1 [Agenda Item 11(a)] if Council wishes to take action on a Comprehensive Plan Amendment, separate from the annual CPA process.

Mr. Mosher expressed support for the motion. Mr. Stroh responded to additional procedural questions.

- ➡ The motion to adopt Ordinance No. 5395 carried by a vote of 6-0.

- (6) Ordinance No. 5396 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan; **amending the Crossroads Subarea Plan Map** from Office to Community Business on five parcels comprising 1.26 acres known as the **Crossroads Chevron CPA**.

➡ Mr. Noble moved to adopt Ordinance No. 5396, and Mr. Mosher seconded the motion.

➡ The motion to adopt Ordinance No. 5396 carried by a vote of 6-0.

- (7) Ordinance No. 5397 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Capital Facilities Element of the Comprehensive Plan to **provide policies relating to the identification and siting of Essential Public Facilities**.

➡ Mr. Mosher moved to adopt Ordinance No. 5397, and Mr. Noble seconded the motion.

➡ The motion to adopt Ordinance No. 5397 carried by a vote of 6-0.

- (8) Ordinance No. 5398 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan; amending the Bridle Trails Subarea Plan Map of the Comprehensive Plan; **amending Bridle Trails Subarea Policy S-BT-17, and amending the Bridle Trails/Bel-Red/Crossroads Transportation Facility Plan to bring into conformance with the Bel-Red BROTS II CPA by deleting two projects**.

➡ Mr. Noble moved to adopt Ordinance No. 5398, and Mr. Mosher seconded the motion.

➡ The motion to adopt Ordinance No. 5398 carried by a vote of 6-0.

- (9) Ordinance No. 5399 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Urban Design Element of the Comprehensive Plan, Figure UD-1, and Policies UD-41 and UD-43, **to enhance opportunities to develop gateway and identity treatments** on boulevards and at designated intersections at key entry points into the City and smaller districts and communities within the City.

➡ Dr. Davidson moved to adopt Ordinance No. 5399, and Mr. Mosher seconded the motion.

➡ The motion to adopt Ordinance No. 5399 carried by a vote of 6-0.

- (10) Ordinance No. 5400 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan; **amending the Newcastle Subarea Plan Map** from Single Family-Medium (SF-M) to Single Family-High (SF-H) on a 13.62-acre site located at 5027, 5029, and 5033 159th Place SE known as the JMR Lakemont property. (JMR-Lakemont map amendment.)
(Planning Commission recommended denial.)

➡ Mr. Mosher moved to deny Ordinance No. 5400, and Mr. Noble seconded the motion.

➡ The motion to deny Ordinance No. 5400 carried by a vote of 5-1, with Mr. Lee dissenting.

- (11) Ordinance No. 5401 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan; **amending the Southwest Bellevue Subarea Plan Map from Neighborhood Business (NB) to Community Business (CB) on a 1.5-acre site known as the Danieli property.**
(Planning Commission recommended denial.)

➡ Mr. Mosher moved to deny Ordinance No. 5401, and Mr. Noble seconded the motion.

➡ The motion to deny Ordinance No. 5401 carried by a vote of 6-0.

- (12) Ordinance No. 5402 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW) and as adopted pursuant to Chapter 35A.63 RCW, adopting the 2002 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 5391, 5392, 5393, 5394, 5395, 5396, 5397, 5398, and 5399.

➡ Mr. Mosher moved to adopt Ordinance No. 5402, and Mr. Noble seconded the motion.

➡ The motion to adopt Ordinance No. 5402 carried by a vote of 6-0.

- (13) Ordinance No. 5403 amending the Land Use Code to reflect the Comprehensive Plan amendment regarding the Office Limited Business – Open Space (OLB-OS) designation; amending Sections 20.10.020, 20.10.290, 20.10.440, 20.20.005, 20.20.195, 20.20.520, 20.20.590, 20.25B.020, 20.25B.040, 20.35.015 and 20.50.012; creating a new part 20.25L; and establishing an effective date.

➡ Mr. Noble moved to adopt Ordinance No. 5403, and Mr. Mosher seconded the motion.

➡ The motion to adopt Ordinance No. 5403 carried by a vote of 6-0.

- (14) Ordinance No. 5404 creating regulations regarding Secure Community Transition Facilities; amending the Land Use Code; amending Sections 20.10.440 and 20.50.046; adding a new Section 20.20.750; and establishing an effective date.

➡ Mr. Mosher moved to adopt Ordinance No. 5404, and Mr. Noble seconded the motion.

➡ The motion to adopt Ordinance No. 5404 carried by a vote of 6-0.

- (c) Resolution No. 6739 declaring an emergency to allow consideration of certain amendments to the Comprehensive Plan outside of the 2002 or 2003 annual amendment process in order to remove barriers to wireless communication deployment, improve wireless service to citizens, and stimulate the economy.

Mr. Stroh recalled previous discussions with Council about removing barriers to wireless communication deployment. The Planning Commission continues to study the issue and will hold a public hearing once a proposal is developed. If an applicable Comprehensive Plan amendment is desired later this year, Council will need to declare an emergency to allow the CPA to be considered separately from the annual review process. Mr. Stroh noted that Council previously expressed support for this approach.

➡ Mr. Mosher moved to approve Resolution No. 6739, and Mr. Noble seconded the motion.

Mr. Degginger feels the resolution is consistent with Council's goals to become a wired city and to protect neighborhoods from impacts.

➡ The motion to approve Resolution No. 6739 carried by a vote of 6-0.

- (d) A Regional Coalition for Housing (ARCH) Projects

- (1) Resolution No. 6740 authorizing execution of an agreement with the Eastside Housing Association for an affordable housing project known as Avondale Park Redevelopment recommended by the ARCH Board, and expenditure of \$75,524 from the Operating Grants and Donations Fund and \$330,265 from the Housing Fund.
- (2) Resolution No. 6741 authorizing execution of an agreement with Downtown Action to Save Housing (DASH) for an affordable housing project known as the Plum Court Apartments Rehabilitation recommended by the ARCH Board, and expenditure of \$535,973 from the Housing Fund.

Mr. Noble noted that Councilmembers have received information about the two housing projects.

- ➡ Mr. Noble moved to approve Resolution No. 6740 and Resolution No. 6741, and Mr. Mosher seconded the motion.

Art Sullivan, Executive Director of ARCH (A Regional Coalition for Housing), briefly reviewed the two proposals:

- Eastside Housing Association – Avondale Park (former Coast Guard site) redevelopment for transitional and shelter housing (60 units).
- Plum Court Apartments – Acquisition and preservation of property near downtown Kirkland for lower to moderate-income households.

- ➡ The motion to approve Resolution No. 6740 and Resolution No. 6741 carried by a vote of 6-0.

(e) Street Assessment Reimbursement Contracts (Latecomer agreements)
(Discussed with Council at the July 8, 2002 Extended Study Session. See Minutes tab of packet.)

- (1) Ordinance No. 5405 authorizing the City to enter into assessment reimbursement contracts for street projects under RCW Chapter 35.72; and establishing application, reimbursement, and processing procedures.
- (2) Ordinance No. 5406 authorizing the Hearing Examiner to conduct hearings and to make recommendations to the City Council under RCW Chapter 35.72, Contracts for Street Projects (Assessment Reimbursement Contracts).

City Manager Steve Sarkozy recalled Council's discussion of this issue at the July 8, 2002, Extended Study Session.

Councilmember Noble noted his prior request for information about the methodology for determining assessment or cost-sharing levels. Chris Dreaney, Development Review Manager, said she contacted several jurisdictions and gathered information about how they recover administrative costs for processes such as this. This information is provided in the staff report. Jurisdictions use a variety of assessment methods, but the most commonly used method is the front lineal foot assessment method.

In response to Mr. Mosher, Ms. Dreaney said trip counts, as part of the Transportation Department's development review process, are typically used to allocate mitigation requirements. However, she did not find any jurisdictions using trip counts to determine cost sharing levels for street assessment reimbursement contracts (latecomer agreements). In further response, Ms. Dreaney said she did not contact the City of Renton.

Responding to Mr. Noble, Ms. Dreaney clarified that the two ordinances will establish a latecomers agreement process and authorize the Hearing Examiner to conduct hearings. The specific methodology for calculating assessment levels is open to further study and discussion.

Mr. Lee noted that CamWest Development does not plan to provide access via 166th Way SE. Ms. Dreaney said CamWest Development has not yet submitted a development application. If property owners have objections to the assessments, their issues will be heard through the Hearing Examiner process.

- ➡ Mr. Mosher moved to adopt Ordinance No. 5405 and Ordinance No. 5406, and Mr. Creighton seconded the motion.

Mr. Mosher is in favor of establishing a process in which the Hearing Examiner can determine whether assessments are reasonable and provide a recommendation for Council.

- ➡ The motion to adopt Ordinance No. 5405 and Ordinance No. 5406 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications

- (a) John Albertson expressed concern about a proposal presented at the recent Downtown Implementation Plan Citizen Advisory Committee meeting. A property owner asked the CAC to consider upzoning a portion of the Surrey Downs neighborhood, which Mr. Albertson opposes. In reference to his records requests to the City, Mr. Albertson said he is still waiting to receive consultant work products, handwritten meeting notes from CAC members, Council emails regarding CAC procedures, and instructions and letters of understanding from CAC members regarding state public records law.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 10:33 p.m., Deputy Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw